

Entered - 3-16-00- sb

CL 00L0159- GWENDOLYN BURNS

CLAIM OF: Robert Joswick, Jr.

through his attorney,

TED MARCUS, P.C.

1150 Lenox Center

3355 Lenox Road, NE

Atlanta, Georgia 30326-1332

**ADVERSE REPORT**

CONFIDENTIAL

DATE 8/1/00

C. T. Martin

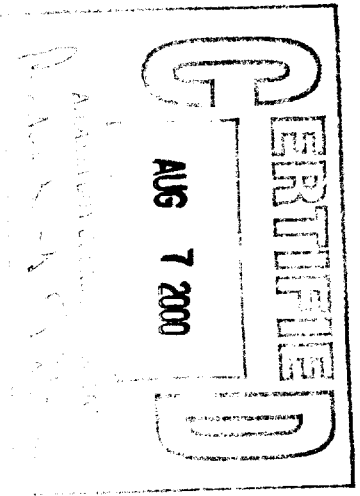
*Robert Joswick, Jr.*  
*City of Atlanta*

For bodily injuries alleged to have been sustained as a result of a vehicular incident on September 23, 1999 at 521 Capital Avenue, SE.

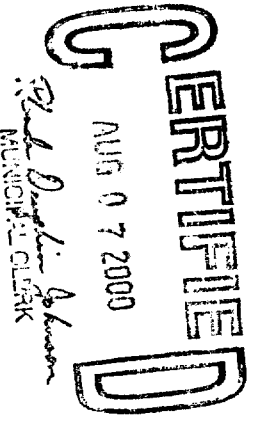
*City of Atlanta*  
*City of Atlanta*

THIS ADVERSED REPORT  
APPROVED **CONSENT AGENDA**

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY



ADVERSED BY  
CITY COUNCIL  
AUG 07 2000



August 28, 2000

Ted Marcus, P.C.  
Attorney at Law  
1150 Lenox Center  
3355 Lenox Road, NE  
Atlanta, GA 30326-1332

00-R-1148

RE: Robert Joswick, Jr.

Dear Attorney Marcus:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on August 07, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0159

Date: July 19, 2000

Claimant /Victim ROBERT E. JOSWICK, JR.

BY: (Atty) (Ins. Co.) TED MARCUS, P.C.

Address: 1150 Lenox Center, 3355 Lenox Road, NE, Atlanta, Georgia 30326-1332

Subrogation: \_\_\_\_\_ Claim for Property damage \$ \_\_\_\_\_ Bodily Injury \$ unspecified

Date of Notice: 3/16/00 Method: Written, Proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 9/23/99 Place: 521 Capitol Avenue

Department POLICE Division \_\_\_\_\_

Employee involved D. L. Dixon Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that a police officer operated a motorized vehicle in an negligent manner causing him to sustain bodily injuries while being transported to a police facility. However, the claimant has filed a lawsuit to resolve the issues of his claim.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police   X   Dept Report \_\_\_\_\_ Other   X  

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

Gwendolyn Burns  
INVESTIGATOR - GWENDOLYN BURNS


**RECOMMENDATION:**

Pay \$ 200 Adverse X Account charged: 1A01 / 2J01 / 2H01 /

Claims Manager: J. Jewell Concur/date 7/20/2000

Committee Action: \_\_\_\_\_ Council Action: 10/1/00

Law Offices  
**TED MARCUS, P.C.**  
1150 Lenox Center  
3355 Lenox Road, N.E.  
Atlanta, Georgia 30326-1332

Reeves  
03/16/00  
  
404-264-9100  
Fax: 404-264-9102

E-Mail:  
TEDMARCUS@PIPELINE.COM

**ENTERED - 3-16-00 - SB**  
**00L0159 - MIKE REEVES**

March 14, 2000

**CERTIFIED MAIL #Z 560 830 919**  
**RETURN RECEIPT REQUESTED**

City of Atlanta  
Department of Law  
4100 City Hall Tower  
68 Mitchell Street, S.W.  
Atlanta, GA 30335-0332

Re: R. Joswick vs. Atlanta


Gentlemen:

In reference to the above-captioned matter and in accordance with **O.C.G.A. §36-33-5, et. seq.**, you are hereby advised that this office represents Robert E. Joswick.

On September 23, 1999, at 2:10 p.m., at 521 Capital Avenue, S.E., in the City of Atlanta, Robert E. Joswick, Jr., was injured as a result of the negligence of D.L. Dixon, an employee of the City of Atlanta, who operated a motorized vehicle in a negligent manner causing my client personal injuries.

Please consider this letter as formal notice of my client's claim against the City of Atlanta as required by law. In accordance with the Official Code of Georgia, it is hereby requested that the City of Atlanta consider and act upon this claim within thirty (30) days of presentation to the City of Atlanta for adjustment. Once you have had a chance to review this letter please contact my office so we may discuss this matter further as required by law.

Yours very truly,

  
TED MARCUS, P.C.

TM/bh

CC: Robert E. Joswick  
retain.ltr

00-*R*-1148